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REMARKS

Claim 1 has been amended to specify the order of addition of the components in order to advance prosecution of this application. This amendment is fully supported by the present invention and claims as originally filed, including, for example, paragraph [0014] and original claim 2. Claim 2 has therefore been cancelled by this amendment, and claims 3-5, which had depended from claim 2, have been amended to depend from claim 1. Also, claim 16 has been amended to correct a typographical error.

Claims 23 and 24 have been rewritten in independent form, including all of the features of the base claim and any intervening claims. In addition, claims 9, 11, 13, and 15 have been rewritten as one independent claim (new claim 37) including all of the features of the base claim and any intervening claims. Claims 9, 11, 13, and 15 have therefore been cancelled by this amendment, and claims 10, 12, and 14, which had depended from claims 9, 11, and 13 respectively, have been amended to depend from claim 37. Thus, claims 1, 3-8, 10, 12, 14, and 16-37 are pending.

Reconsideration and continued examination of the above-identified application are respectfully requested. No search is necessitated by this amendment and no new questions of patentability should arise, since the scope of this subject matter has already been examined by the Examiner. No new matter has been added. Finally this amendment places the application in condition for allowance. Therefore, entry of this amendment is respectfully requested.

Rejection of Claims under 35 U.S.C. § 103

The Examiner has rejected claims 1-8 and 16-22 under 35 U.S.C. § 103(a) as being unpatentable over Platman et al. (U.S. Patent No. 5,246,494).

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On page 2 of the Final Office Action, the Examiner states that Platman et al. teaches a mixed coupled azo pigment prepared from 30-70% of two or more diazonium components, at least one derived from a monoaryl amine, and an organic coupling component, said pigment containing one or more COOH or SO₃H groups or esters. The Examiner also states that the mixed coupled azo pigments are prepared by initially diazotizing a mixture of two or more aromatic amine compounds to form a mixture of diazonium salts and thereafter coupling the mixture of diazonium salts with a coupling component. The Examiner further states that the reference teaches that the aromatic amines may also contain one or two acid groups or the esters, amides, or salts thereof and that the mixtures comprising at least two diazonium components used in preparing the pigments may be prepared by diazotizing a mixture of aromatic amines or by separately diazotizing individual amines and combining the resulting diazotized amines. The Examiner also states that diazotization may be carried out through methods known using alkali metal nitrites or lower alkyl nitrites together with an adequately strong acid. The Examiner adds that the coupling component may be any compound capable of coupling the diazonium components, such as pyrazolones.

The Examiner points out that Platman et al. fails to specifically exemplify the use of the azo coupler as claimed by Applicant. However, the Examiner concludes that it would have been obvious to one of ordinary skill in the art to use the specific azo coupler as claimed by Applicant since Platman et al. also discloses the use of azo coupler but shows no example incorporating them.

On page 4 of the Final Office Action, the Examiner states that Applicant's arguments filed August 4, 2005 have been fully considered but are persuasive. In particular, while Applicant argued there is no teaching or suggestion of the addition of a colored pigment in Platman et al. as in the present method, the Examiner states that the claim language "in any order" would encompass the teaching of Platman et al. and that nothing in the claims would exclude the colored pigment from being formed in situ and then being combined with the other components.

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While Applicant respectfully disagrees, in order to advance prosecution of this application, claim 1 has been amended to recite a specific embodiment of the present invention in which the aqueous colored pigment dispersion is prepared by a method comprising the steps of a) combining a colored pigment and an azo coupler to form a pretreated colored pigment, and b) combining, in any order, the pretreated colored pigment, an aromatic amine, a diazotizing agent, and an aqueous medium. This embodiment is described throughout the present application and claims as originally filed, including, for example, paragraph [0014] and original claim 2.

Applicant believes that the method of Platman et al. is significantly different than the method recited in amended claim 1. In particular, there is no disclosure, teaching, or suggestion anywhere in Platman et al. the addition of a colored pigment and, especially, of the formation of a pretreated pigment by combining a colored pigment and an azo coupler. Rather, this reference describes a method of preparing mixed azo colored pigments that is essentially a variation of a conventional process for preparing colored pigments, which differs significantly from the method of amended claim 1 (for example, see paragraph [0015] of the present application).

Therefore, Applicant believes that claim 1 is patentable over Platman et al. since there is no addition of a pretreated colored pigment, formed by the combination of a colored pigment and an azo coupler in the method described in this reference. Claims 3-8 and 16-22, which depend either directly or indirectly from claim 1, recite further embodiments of the present invention and, for at least the reasons discussed above, are therefore also patentable over this reference. Claim 2 has been cancelled, making the rejection of this claim moot.

Applicant therefore believes that claims 1-8 and 16-22 are patentable over Platman et al. and respectfully requests that this rejection be withdrawn.

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Allowable Subject Matter

On page 3 of the Office Action, the Examiner states that claims 25-36 are allowed. Applicant is grateful for the allowable subject matter of claims 25-36.

Also on page 3 of the Office Action, the Examiner has objected to claims 9-15 and 23-24 as being dependent upon a rejected base claim. The Examiner further states that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In order to advance prosecution of this application, claims 23 and 24 have been rewritten in independent form, including all of the features of the base claim and any intervening claims. In addition, claims 9, 11, 13, and 15 have been rewritten in independent form as one claim – new claim 37. This claim includes all of the features of the base claim and any intervening claims. Claims 9, 11, 13, and 15 have therefore been cancelled by this amendment, and claims 10, 12, and 14, which had depended from claim 9, 11, and 13 respectively, have been amended to depend from claim 37.

Thus, based on the above, Applicant believes that claims 10, 12, 14, 23, 24, and 37 are in condition for allowance.

Finally, Applicant believes that claims 1-8 and 16-22 should also be allowable, in view of the comments provided herein.


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Conclusions

Applicant believes that the present claims are in good and proper form for allowance. Therefore, the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would further expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

By:


Dr. Robert M. Amici
Reg No. 52,554
978-670-6191
CABOT CORPORATION
Law Department
157 Concord Road
Billerica, MA 01821-7001

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